

From: Phillip Blanton
To: Microsoft ATR
Date: 1/24/02 5:21pm
Subject: Microsoft Settlement

Dear Sirs,

In response to your recent request for public comments with regards to the court hearing the case of U.S. v. Microsoft. I understand that Microsoft has been found guilty of violating Sections 1 and 2 of the Sherman Act.

By virtue of Microsoft's de facto monopoly of the Operating System (OS) market, I am compelled to use Microsoft products, which I otherwise would not use. There are two reasons that I am compelled to use Microsoft products. These reasons provide the rationale for my proposed remedies.

First, an overwhelming majority people use the Microsoft OS and their associated office products. I must communicate with these people. If I can not communicate effectively with customers, vendors and the general public, I will suffer economic loss. This is commonly referred to as a network effect and Microsoft has brilliantly exploited it.

Second, because Microsoft has kept their software file formats and interfaces secret, others cannot functionally communicate with these products.

It is my belief, based on Microsoft's past actions, they they wish to extend their reach beyond the PC desktop to control of networking protocols for the Internet and act as its gate keeper. This is their ".net" initiative. This would have devastating consequences for the U.S. economy and security. Microsoft has stifled innovation by its monopolistic practices. Microsoft products are notorious for their lack of security and vulnerability to attack by those who wish to harm companies or individuals for whatever reason.

The remedies I propose in this case are:

- 1) Microsoft products should not be bundled as a hidden cost of buying a computer. The choice of buying a computer without any Microsoft products must be present. The real cost of Microsoft products should be presented to the consumer. Without this, there will not be meaningful competition in the OS marketplace. Right now, you cannot go to Dell, Compaq, Gateway, or any of the big computer manufacturers and buy a computer with the operating system of your choice. You must (are literally forced to) buy a copy of Microsoft Windows along with your computer, whether you want it or not. Providing a round about way for the consumer to apply for a refund from Microsoft is not a suitable remedy. The consumer MUST have the freedom to purchase a computer with the operating system of his/her choice. Microsoft MUST NOT be allowed to penalize a computer manufacturer for allowing their customers choice in the marketplace.
- 2) Microsoft should be prevented from entering into EXCLUSIVE arrangements with computer vendors. These arrangements have been used to reward and punish computer vendors in the past and serve only to maintain Microsoft's monopoly status, and hinder free and open competition in the marketplace.
- 3) All specifications for present and future Microsoft file formats and Operating System Application Programming Interfaces (APIs) should be made public. This will insure that any data or documentation I create will be available to me in perpetuity. It will also allow others to create programs that can

meaningfully communicate with Microsoft products. Please make no mistake in my intent for this remedy. The specifications must be made part of the public domain. Restriction to "commercial" entities is simply wrong. Open Source software initiatives should be allowed to make use of this information. Microsoft does not own the content that I create on my computer. Storing that content in a proprietary format, which can only be accessed with Microsoft products, hinders my ability to freely manage my own intellectual property in a manner of my choosing. My concern is for the availability and security of the data that I create today, and going forward into the future.

4) Any and all Microsoft networking protocols must be fully documented, published in the public domain, and approved by an independent networking protocol body. I suggest the government request the Institute of Electrical and Electronics Engineers (IEEE) initially preside over such a networking protocol body as an independent and impartial organization. Already I see Microsoft limiting access to web sites, to those who use Internet Explorer. This remedy would help prevent Microsoft from partitioning the Internet into Microsoft and non-Microsoft domains.

With Regards,

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